

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAWRENCE FOWLER,

Plaintiff,

-against-

**NOTICE OF MOTION**

07 CV 10274 (JSR)

THE CITY OF NEW YORK, ROBERT T.  
JOHNSON, District Attorney, Bronx County, and  
the STATE OF NEW YORK, ELIOT SPITZER,  
Governor,

(filed by ECF)

Defendants.

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**PLEASE TAKE NOTICE** that the undersigned will move this Court, before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York 10007, on June 19, 2008, at 4:00 p.m., as designated by the Court in the Civil Case Management Plan that was “So Ordered” on January 16, 2008, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure dismissing this action with prejudice in all respects, together with such other relief as this Court deems just and proper. The grounds for this motion are that plaintiff cannot satisfy the standard set forth in Monell v. Department of Social Servs., 436 U.S. 658 (1978), to pursue a claim for relief against defendant City of New York.

**PLEASE TAKE FURTHER NOTICE** that moving papers will be served on or before May 20, 2008.

**PLEASE TAKE FURTHER NOTICE** that opposition papers, if any, must be served on or before June 5, 2008.

**PLEASE TAKE FURTHER NOTICE** that reply papers will be served on or before June 12, 2008.

Dated:        New York, New York  
                May 9, 2008

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
Attorney for Defendant City of New York  
100 Church Street  
New York, New York 10007  
(212) 227-4071

By: \_\_\_\_\_ /S/ \_\_\_\_\_  
SUSAN P. SCHARFSTEIN

To:     Pamela D. Hayes, Esq.  
         Attorney at Law  
         200 West 57<sup>th</sup> Street, Suite 900  
         New York, NY 10019

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**MICHAEL A. CARDOZO**  
*Corporation Counsel of the City of New York*  
Attorney for Defendant City of New York  
100 Church Street  
New York, N.Y. 10007

*Of Counsel: Susan P. Scharfstein (SS 2476)*  
*Tel: (212) 227-4071*  
*NYCLIS No.:*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 200....*

*....., Esq.*

*Attorney for.....*